the true scope of the rejection. As such, due to the insufficiency of the rejections, Applicants are unable to formulate a substantive response to the Final Office Action.

B. Rejections Under 35 U.S.C. §102

The Examiner rejects claims 1-4, 6-7 and 27-28 under 35 U.S.C. §§102(a) and (e) as being anticipated by U.S. Patent No. 6,246,996 issued to Stein, et al. ("Stein"). Applicants respectfully traverse this rejection.

It is well known that when rejecting claims, an Examiner must direct an applicant to the relevant portions of cited art and explain the applicability of the pertinent portions of cited art to an applicant's claims. **"In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."** (37 C.F.R. §1.104(c)(2))

In the Final Office Action, the Examiner merely repeats the rejection insufficiently asserted in the October Office Action. In the Final Office Action, as in the October Office Action, the Examiner makes a single, simple statement that claims 1-4, 6-7 and 27-28 are clearly anticipated by Stein without providing any specific references to where in Stein any of the limitations recited in the claims are taught. **More specifically, the Examiner has failed to provide any specific reference to where Stein teaches "a method for detecting fraud when facilitating a payment transaction over a global wide area network" as recited in claim 1. The Examiner has failed to provide any specific reference to where Stein teaches "receiving a sale information" as recited in claim 1. The Examiner has failed to provide any specific reference to where Stein teaches "receiving a payment information from a buyer" as recited in claim 1. The Examiner has failed to provide any specific reference to where Stein teaches "analyzing a transaction information for fraud" as recited in claim 1. The Examiner has also failed to provide any specific reference to where Stein teaches "if the analyzing indicates fraud, communicating an enhanced transaction information to a human for fraud analysis" as recited in claim 1.**

Applicants reiterate their request (originally made in response to the October Office Action) that the Examiner abide by the MPEP and CFR and cite those portions of Stein which the Examiner asserts teach the invention claimed by Applicants. Applicants request that the Examiner provide citations to particular column numbers and line numbers of locations in the cited art where the

Examiner asserts each of the limitations recited in the claims is taught. Because of the complete failure of the Examiner to provide any specific references to Stein in support of this rejection, Applicants cannot formulate a substantive response to this rejection. Because the Examiner has failed to provide any specific citations to Stein in support of this rejection, the Examiner has failed to establish a *prima facie* case of anticipation. 37 C.F.R. §1.104(c)(2). Claims 1-4, 6-7 and 27-28 are therefore patentable over Stein.

C. Rejections Under 35 U.S.C. §103

The Examiner rejects claims 5, 8-26 and 29-39 under 35 U.S.C. §103(a) as being unpatentable over Stein in view of either U.S. Patent No. 5,819,226 issued to Gopinathan ("Gopinathan") or U.S. Patent No. 6,094,643 issued to Anderson, et al. ("Anderson"). Applicants respectfully traverse this rejection.

In making an obviousness rejection, the Examiner is required to sufficiently communicate the basis for the rejection, including specific citations to the referenced art. ("[T]he examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)." MPEP §706.02(j)). The Examiner has failed to meet the burden of proof required to establish a *prima facie* obviousness rejection. All the Examiner does in this rejection is refer to Stein and assert that those limitations not taught by Stein are disclosed in Gopinathan or Anderson. The Examiner wholly fails to cite any portions of Stein, Gopinathan and Anderson to support the Examiner's assertion that claims 5, 8-26 and 29-39 are rendered obvious by the referenced art. As such, the Examiner fails to explain how the referenced art teaches or suggests any of the limitations recited in claims 5, 8-26 and 29-39.

More specifically, the Examiner has failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "a method for detecting fraud when facilitating a payment transaction over a global wide area network" as recited in claim 1. The Examiner has failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "receiving a sale information" as recited in claim 1. The Examiner has failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "receiving a payment information from a buyer" as recited in claim 1. The Examiner has failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "analyzing a transaction information for fraud" as recited in claim 1. The Examiner has also failed to pr vide any specific reference to where any of Stein, Gopinathan and Anderson teach or

suggest "if the analyzing indicates fraud, communicating an enhanced transaction information to a human for fraud analysis" as recited in claim 1.

Applicants hereby maintain and reiterate their request (originally made in response to the October Office Action) that the Examiner clearly communicate those limitations of the claims that the Examiner asserts are taught or suggested in the referenced art as required by the MPEP and the CFR. See MPEP §706.02(j). Applicants request that the Examiner provide citations to particular column numbers and line numbers of locations in the cited art where the Examiner asserts each of the limitations recited in the claims is taught or suggested. Because the Examiner has failed to provide citations to where any of the claimed limitations are taught or suggested in the referenced art, Applicants cannot substantively respond to this rejection. Because the Examiner has failed to establish a *prima facie* case of obviousness, claims 5, 8-26 and 29-39 are patentable over the referenced art.

CONCLUSION

If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: May 16, 2002

By: _____
Mark Andrew Goldstein, Reg. No. 50,759

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, BOX AF, Assistant Commissioner for Patents, Washington, D.C. 20231, on May 16, 2002.

_____ _____
Margaux Rodriguez *May 16, 2002*